

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF PUBLIC HEARING
37.30.730 pertaining to Vocational)	ON PROPOSED AMENDMENT
Rehabilitation Program provider fees)	
)	

TO: All Interested Persons

1. On November 14, 2007, at 10:00 a.m., the Department of Public Health and Human Services will hold a public hearing in the Sapphire Room, 2401 Colonial Drive, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process (including reasonable accommodations at the hearing site) or who need an alternative accessible format of this notice. If you need an accommodation, contact the department no later than 5:00 p.m. on November 5, 2007. Please contact Rhonda Lesofski, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210; telephone (406)444-4094; fax (406)444-1970; e-mail dphhslegal@mt.gov.

3. The rule as proposed to be amended provides as follows. New matter is underlined. Matter to be deleted is interlined.

37.30.730 VOCATIONAL REHABILITATION PROGRAM: PROVIDER FEES (1) through (1)(a)(iii) remain the same.

(2) The department adopts and incorporates by this reference the vocational rehabilitation fee schedule, dated ~~July 1, 2002~~ October 1, 2007, and published by the department as the Montana Vocational Rehabilitation Policy R, "Fee Schedule", of the Montana Vocational Rehabilitation Policy Manual. A copy of the policy may be obtained through the Department of Public Health and Human Services, Disability Services Division, 111 N. Sanders, P.O. Box 4210, Helena, MT 59604-4210.

AUTH: 53-7-102, 53-7-203, 53-7-302, 53-7-315, MCA

IMP: 53-7-102, 53-7-105, 53-7-108, 53-7-203, 53-7-302, 53-7-303, 53-7-306, 53-7-307, 53-7-310, MCA

4. This proposed amendment is to ARM 37.30.730, "Provider Fees". This rule governs the compensation of providers for the delivery of services and goods to consumers of vocational rehabilitation services provided through the authorization of the Montana Vocational Rehabilitation program. The rule sets the compensation amounts for provider reimbursement to: 1) providers of physical and mental restoration services; 2) in-state hospitals; and 3) out-of-state hospitals. The rates

are applicable as well to the compensation to providers of services authorized through the department's Blind and Low Vision Services Program.

The proposed amendment would implement a general increase in the rates of reimbursement for physical and mental restoration services. The actual rates of reimbursement appear in the Montana Vocational Rehabilitation Policy R, "Fee Schedule", which is currently incorporated by reference in the text of the rule. The proposed amendment would change the incorporation by reference from the prior published July 1, 2002 edition of Policy R in the Montana Vocational Rehabilitation Policy Manual to the newly adopted October 1, 2007 edition of Policy R.

The October 1, 2007 edition of Policy R incorporates an increase of 1.85% in the various provider rates for physical and mental restoration services which is the rate increase authorized through appropriation by the 2007 Montana State Legislature for the compensation of providers of vocational rehabilitation program authorized physical and mental restoration services.

Expenditures on vocational rehabilitation physical and mental restoration services expenditures in fiscal year 2006 were approximately \$1,600,000. Those services were delivered on behalf of approximately 2,400 vocational rehabilitation recipients. The 1.85% provider increase would result in approximately \$30,000 in increased payments to providers of these services for each fiscal year of the current biennium. The number of providers affected by the increase cannot be estimated since providers are engaged as needed to serve individual health needs for each recipient.

This proposed rule amendment adoption is necessary to assure that there is increased compensation afforded the providers of vocational rehabilitation program authorized physical and mental restoration services so as to maintain the presence of these providers in the market and their availability to provide services to consumers of vocational rehabilitation services. The availability of active providers of vocational rehabilitation services for consumers of the program is essential to efficacy of the program.

The department has only considered the option of the increase in reimbursement at the legislated rate. The Legislature in the course of arriving at the sum to appropriate to be available for this increase gave consideration to the possible options as to whether to increase the rate or not and at amount to do so. The implementation of the increase in reimbursement is in accordance with the increase selected by the Legislature and enacted statutorily through House Bill 2, the General Appropriations bill for the 2007 Legislature. The failure to implement the increase would not only ignore legislative direction but would allow for the compensation for providers to remain static. Static compensation would serve as a disincentive to their continued participation as providers in the program and thereby adversely affecting the consumers in their return to employment and more integrated and active lives.

The department has determined that the best option for implementation of the increase is to apply it to all providers of physical and mental restoration services

rather than to select subsets of providers of those services. This best meets the goal of encouraging the numerous and varied types of providers of the array of restoration services to remain as a whole available in the market to consumers of vocational rehabilitation services.

5. Interested persons may submit comments orally or in writing at the hearing. Written comments may also be submitted to Rhonda Lesofski, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena MT 59604-4210, no later than 5:00 p.m. on November 23, 2007. Comments may also be faxed to (406)444-1970 or e-mailed to dphhslegal@mt.gov. The department maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. To be included on such a list, please notify this same person or complete a request form at the hearing.

6. An electronic copy of this proposal notice is available through the Secretary of State' web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice as printed in the Montana Administrative Register, but advises all concerned persons that, in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. The web site may be unavailable at times, due to system maintenance or technical problems.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct the hearing.

/s/ Cary B. Lund
Rule Reviewer

/s/ Joan Miles
Director, Public Health and
Human Services

Certified to the Secretary of State October 15, 2007.